

Senate Bill No. 557

Passed the Senate September 8, 2005

Secretary of the Senate

Passed the Assembly September 8, 2005

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add and repeal Section 10062 of the Public Utilities Code, relating to municipal utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 557, Battin. Utilities owned by municipal corporations: waste water treatment plants.

Existing law authorizes any municipal corporation to acquire, construct, own, operate, or lease any public utility, as defined, and authorizes a municipal corporation to sell or dispose of any public utility it owns. Existing law requires that a resolution authorizing the sale of a public utility be passed by $\frac{2}{3}$ of the members of the legislative body of the municipal corporation and be passed by a $\frac{2}{3}$ vote of all voters voting at an election to authorize the sale in the ordinance calling the election.

This bill would, notwithstanding these provisions, authorize, until January 1, 2010, the City of Palm Springs to sell a facility for the control of the quantity, quality, or flow of waste water to the Desert Water Agency, if the legislative body of the city determines, by a resolution adopted by $\frac{4}{5}$ of all its members, that the public interest and convenience require the sale, and would require that the resolution adopted state the intention of the legislative body to sell the facility, including findings relative to the proposed sale, and identify the purposes for which the proceeds of the sale are proposed to be expended.

The bill would declare that, due to the special circumstances applicable only to the City of Palm Springs, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

The people of the State of California do enact as follows:

SECTION 1. Section 10062 is added to the Public Utilities Code, to read:

10062. (a) Notwithstanding any other provision of this division, the City of Palm Springs may sell a facility for the control of the quantity, quality, or flow of waste water to the

Desert Water Agency, if the legislative body of the city determines, by a resolution adopted by four-fifths of all its members, that the public interest and convenience require the sale. The resolution shall state the intention of the legislative body to sell the facility, including findings relative to the proposed sale, and identify the purposes for which the proceeds of the sale are proposed to be expended.

(b) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date.

SEC. 2. The Legislature finds and declares that, because of the unique circumstances applicable only to the City of Palm Springs, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. The City of Palm Springs owns a facility for the control of waste water that the city council now finds is not in the public interest to own and operate. The City of Palm Springs desires to sell the facility and the city charter limits the sale of the facility to another existing governmental entity that is governed by a body in which a majority of electors are voters of the City of Palm Springs. The City of Palm Springs and the Desert Water Agency have negotiated a tentative agreement to transfer the facility, including a price that reflects a fair and reasonable appraisal. In order to authorize the sale of the facility in the most efficient and effective manner to an entity authorized by the city charter to purchase the facility, this special statute is necessary.

Approved _____, 2005

Governor